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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,255	09/11/2003	Hisamitsu Takahashi	TAKA3007/EM	3546

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EXAMINER

GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,255	Applicant(s) TAKAHASHI ET AL.	
	Examiner Dawn Garrett	Art Unit 1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The preliminary amendment dated September 11, 2003 has been entered. Claim 3 is indicated as amended and claims 6-8 are new claims. Claims 1-8 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 is indefinite because the substituents attached to the two nitrogens are bonded together whereas claim 1, upon which claim 2 depends, sets forth independent substituents for each of R₃-R₆. Claim 1 does not set forth the possibility that R₄ and R₅ are bonded together. Clarification and/or correction are required. For purposes of examination, the examiner is considering the compound of claim 1 to encompass a compound according to the claim 2 formula (II).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Das et al.

Journal of Indian Chemistry, 61(8), p. 697-698, (1984). Das et al. disclose a compound according to the claim 2 formula wherein the metal is cobalt, R₁ and R₂ are CH₂-Ph, and R₃-R₆

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are the same as shown in claim 2. The compound disclosed in Das et al. is bis(benzeneacetato-o,o') (2,2'-bipyridine-N,N')-cobalt (see entire article and STN database description of article).

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kharitonova et al., Koordinatsionnaya Khimiya, 9(3), p. 319-321, (1983). Kharitonova et al. disclose a compound according to formula (I) of claim 1 wherein the metal is cadmium, R₁ and R₂ are alkyl ethyl groups and R₃-R₆ are methyl groups (see article and STN database description of article).

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kralova et al., Monograph Series of the International Conferences on Coordination Chemistry held periodically at Smolenice in Slovakia, 3 (Progress in Coordination and Organometallic Chemistry), p. 233-238, (1997). Kralova et al. discloses a compound according to the claim 1 formula (I) wherein the metal is copper, R₆ and R₅ as well as R₃ and R₄ form a cycloalkyl group and R₁ and R₂ are aryl groups (see article and STN database description of article).

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bhirud et al., Inorganica Chimica Acta, 173, (1990), pages 121-125. Bhirud et al. discloses a compound according to the claim 1 formula (I) wherein the metal is copper, R₁ and R₂ are aryl groups, and R₃-R₆ are alkyl ethyl groups (see article and STN database description of article).

Allowable Subject Matter

9. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 6-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The closest prior art is considered to be

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Das et al., Journal of Indian Chemistry, 61(8), p. 697-698, (1984), which teaches a cobalt compound according to claims 1 and 2. Das et al. fails to teach or to render obvious the compounds are water scavenging agents or that they may be incorporated in an organic EL device as water scavenging agents.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is 571-272-1523. The examiner can normally be reached Monday through Friday during normal business hours. Please allow the examiner twenty-four hours to return your call.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached at 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dawn Garrett

DAWN GARRETT
EXAMINER
ART UNIT 1774

D.G.
April 28, 2004